REMARKS/ARGUMENTS

1. Amendments to the Claims.

Claims 20, 21, and 23-25 remain in this application. Claims 1-19, 22 and 26-37 have been canceled.

2. Nonstatutory Double Patenting Rejection.

Claims 20 and 23 were provisionally rejected based on nonstatutory double patenting in view of Applicant's application Serial No. 10/207,142. Applicant does not intend to respond to the office action recently issued in the '142 Application and does not intend to further pursue the '142 Application. Accordingly, the double patenting rejection will ultimately be obviated by the abandonment of the '142 Application. Applicant respectfully requests that this rejection be withdrawn.

3. Rejections to the Claims Under 35 U.S.C. §102.

Claims 20 and 22 were rejected under 35 U.S.C. §102 as being anticipated by either of U.S. Patent Nos. 6,802,984 to Perkins et al. or 5,427,693 to Mausgrover et al. Claim 22 has been canceled. Claim 20 has been amended to require the steps of circulating ozonated water from the expansion tank back to the ozone impregnator and continuously repeating steps (d)-(f) to maintain the ozone level in the sterilized water. Because the concentration of ozone in water degrades over time, the method of the present invention maintains the strength and efficacy of the ozonated water.

Mausgrover et al. teaches a system having an ozone level sensor that communicates with a controller to shut down the ozone generating tubes and recirculating pump when a desired ozone level has been achieved. See Mausgrover et al., Col. 8, lines 37-41. Thus, the Mausgrover system achieves a desired ozone level, but does not recognize the importance of maintaining the level of the ozonated water. Accordingly, Mausgrover et al. does not disclose, teach or suggest, and in fact teaches away from, continuously circulating the water to an ozone impregnator and repeating the ozonation of the water, as is required in claim 20.

Perkins et al. teaches a system that includes turbidity meter near the outlet of the storage tank. The turbidity meter monitors the turbidity and, in the event the desired quality is not achieved, signals the system to shut down. Only in this event is the water recirculated back to the ozone venturi. See Perkins et al., Col. 12, lines 44-50, 60-67. Perkins et al. does not teach, disclose or suggest continuously circulating the water to the ozone impregnator to maintain the ozone level.

For the reasons discussed above, neither Perkins et al., nor Mausgrover et al. disclose continuously circulating water from the expansion tank to the ozone impregnator to maintain the ozone level in the sterilized water. Accordingly, neither Perkins et al., nor Mausgrover et al. anticipate claim 20. Therefore, Applicant respectfully requests withdrawal of this rejection.

4. Rejections to the Claims Under 35 U.S.C. §103.

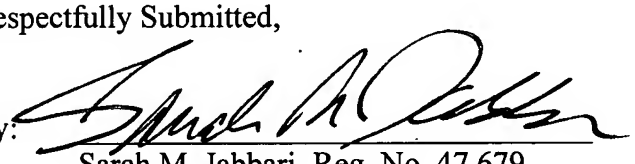
Claims 21 and 23-25 were rejected under 35 U.S.C. §103 as obvious in view of some combination of Mausgrover et al. and U.S. Patent Nos. 5,824,243 to Contreras; 5,683,576 to Olsen; and 4,595,498 to Cohen et al. Mausgrover et al. was relied upon for disclosing all of the limitations of base claim 21, upon which claims 21 and 23-25 depend. As discussed above, Mausgrover et al. fails to disclose all of the limitations of claim 20. Accordingly, no combination of Mausgrover et al., Contreras, Olsen, and Cohen et al. would yield the invention claimed in claims 20-21 and 23-25. Therefore, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

Applicant believes that the claims, as amended, are now in allowable form. Applicant respectfully requests that action toward a Notice of Allowance be taken.

Applicant believes that no fees are due in connection with this submission, however, if any fees are necessary, please charge Deposit Account No. 02-0390, Baker & Daniels.

Respectfully Submitted,

By: 

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